

**Subject:** Re: GSA Compliance Areas  
**Date:** Sun, 24 Feb 2019 14:19:39 -0500  
**From:** Bob Stafford - H <bob.stafford@gsa.gov>  
**To:** Joseph Castle - QXD <joseph.castle@gsa.gov>  
**Cc:** "Travis Lewis (H1C)" <travis.lewis@gsa.gov>, Theresa Ottery - H1AA <theresa.ottery@gsa.gov>  
**Message-ID:** <CABMTR3N7g0pCvcj00TJzg5G2sU5gZTcyK=mOyGjQ78kCjCG44g@mail.gmail.com>  
**MD5:** d24c2564ab2548715495cf00ad6801fb

Hi Joseph -

for records management (and FOIA as well) you can direct them to contact Travis Lewis in the Office of Accountability and Transparency. For the forms program, you can have them contact Theresa Ottery in the Office of Executive Secretariat and Audit Management. I believe the Paperwork Reduction Act actually falls under the CIO, although it may be out of the regulatory secretariat in OGP - Theresa, do you know which is correct? And the Chief Privacy Officer is in the Office of the Deputy OCIO under Beth Killoran.

Bob

On Fri, Feb 22, 2019 at 5:08 PM Joseph Castle - QXD <[joseph.castle@gsa.gov](mailto:joseph.castle@gsa.gov)> wrote:

Hi Bob,  
Can you help NASA?

Thanks,  
Joe

----- Forwarded message -----

From: **Richard Apple - IDILM** <[richard.apple@gsa.gov](mailto:richard.apple@gsa.gov)>  
Date: Fri, Feb 22, 2019 at 1:52 PM  
Subject: Re: GSA Compliance Areas  
To: Joseph Castle - QXD <[joseph.castle@gsa.gov](mailto:joseph.castle@gsa.gov)>

Hi Joseph,

If I understand correctly, you probably need to contact the [Agency Records Officer](#). The Office of Administrative Services (OAS), [Bob Stafford, Chief](#), may be able to help you.

Respectfully,

Richard Apple

Regional IT Manager, GSA Region 7  
819 Taylor ST, Fort Worth, TX 76102  
[817-978-4659](tel:817-978-4659) Voice [816-823-5525](tel:816-823-5525) FAX  
GSA Office of the Chief Information Officer

Press on Regardless!

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On Fri, Feb 22, 2019 at 11:46 AM Duley, Jason J. (ARC-JD000) <[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)> wrote:

Thanks Joel!

Richard,

Hoping you can chat with Lori when you have a moment to bounce some questions off you guys on some compliance topics. Lori can reach out and set something up later this month.

Jason

---

**From:** Joseph Castle - QXD <[joseph.castle@gsa.gov](mailto:joseph.castle@gsa.gov)>  
**Date:** Tuesday, February 12, 2019 at 6:30 AM  
**To:** "Duley, Jason J. (ARC-JD000)" <[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)>, Richard Apple <[richard.apple@gsa.gov](mailto:richard.apple@gsa.gov)>  
**Cc:** "Parker, Lori (HQ-JD000)" <[lori.parker@nasa.gov](mailto:lori.parker@nasa.gov)>  
**Subject:** Re: GSA Compliance Areas

+ Richard Apple, GSA IT's Privacy Officer.

Richard, can you help Jason and Lori? Or point them in the right direction?

Thanks,

Joe

On Mon, Feb 11, 2019 at 12:10 PM Duley, Jason J. (ARC-JD000) <[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)> wrote:

Joe,

How's it going. Lori cc'ed and I were wondering how GSA implements it's records management, forms, PRA, Privacy, etc as we currently have those "compliance" areas under our Information Management portfolio in OCIO. Since you're the most well-connected CS I know over at GSA, hoping you can point us to some GSA colleagues so Lori and I might follow-up with them in these areas to compare notes. Any pointers you can provide would be great!

Thanks,

{

name: "Jason Duley",

title: "Information Management Program Executive",

company: "NASA/OCIO",  
email: "[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)",  
phone: "(b) (6)"  
}

--

Joseph Castle

Director of Code.gov

U.S. General Services Administration

(b) (6)

--

Joseph Castle  
Director of Code.gov  
U.S. General Services Administration

(b) (6)

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U.S. General Services Administration

**Bob Stafford**

Chief Administrative Services Officer

**Subject:** Re: TTS Request for Partial Release of Five (5) Active FOIA's  
**Date:** Fri, 8 Feb 2019 11:20:07 -0500  
**From:** Bob Stafford - H <bob.stafford@gsa.gov>  
**To:** Susan Marshall - H1F <susan.marshall@gsa.gov>  
**Cc:** "Travis Lewis (H1C)" <travis.lewis@gsa.gov>  
**Message-ID:** <CABMTR3N0=n+VAnU+M+6oTLr=y\_0QybY6NXO+5sLdUtdjBYX9Dg@mail.gmail.com>  
**MD5:** abc6b83717952d49cee95db7d234bbef

Talked with David this morning - he is going to set up a meeting with TTS, us, OGC and the OCIO folks to talk through this issue. I brought up that, unlike google chat or other platforms where you might argue that those are just "water cooler" environment where, if something constituting a record is created there, its supposed to be pasted into an email, Slack has now basically turned into the system of record for decision making for TTS. More so than email. So he agreed that we needed to talk through what that means from a system and compliance standpoint and see what next steps would be

For that discussion, can you please pull together the specs / requirements for electronic information that is compliant with the FRMA and FOIA? I am guessing that there probably isn't a highly technical spec for either, but some description or indicator of whatever constitutes a compliant piece of electronic information relative to those laws. Thanks - I will be attending the meeting and will add you both as well.

Bob

On Fri, Feb 8, 2019 at 10:39 AM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

Thanks, Bob!

On Fri, Feb 8, 2019 at 9:38 AM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

thanks - I have reached out to David's scheduler to see if I can get on his calendar today or Monday at the latest. Will keep you posted

Bob

On Thu, Feb 7, 2019 at 2:33 PM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

**Hi Bob,**

**Travis drafted the following bullet points for you and I added some detail and included some articles. Please let us know if you have any question or need any additional information.**

**-GSA Records Management does not determine which IT tools the agency can or cannot use, even if those tools impact records management- only GSA IT can make that determination.**

**-The Audit Logs that SLACK produces are not up to compliance standards of the Federal Records Management Act or Freedom of Information Act public releasability standards.**

**-The results of both GSA IT and TTS led SLACK e-discovery pulls do not meet the standards of the Federal Records Management Act or Freedom of Information Act Standards. They do not contain required meta-data, nor do they contain results that can be reasonably comprehended by the public without significant manual manipulation of the results.**

**-Below you will find two articles- the first describes an IG report which recommends that GSA discontinue its use of Slack and the second article talks about whether Slack can create government records for FOIA purposes. It says that NARA guidance specifically mentions Slack as a social media tool that can create electronic records which should**

be archived.

- Here is a quote from one of the articles- "Slack, for its part, is trying to make it easier for organizations to comply with strict document-retention requirements. Usually, the lead user of a group that uses Slack is allowed to export a transcript of all messages sent and received in public channels and groups. But a change the company made in 2014 allows organizations to apply for a special exemption that allows them to export every message sent and received by team members- including one-on-one messages and those sent in private groups." A spokesperson for Slack said the extra export capabilities were designed in part to allow federal agencies to comply with FOIA requests, in addition to helping financial-services companies that have to follow strict message-retention rules, and companies that are subject to discovery in litigation. The spokesperson would not share the number of organizations that have applied for the special export program, saying only that it represented "a small percentage of Slack customers." The federal government has made note of the special allowance. "Slack functionality has the potential to provide improved searchability for FOIA purposes if implemented appropriately within agencies, and with adequate records management control in accordance with NARA's regulations," said a spokesperson for the National Archives.

## **GSA watchdog to 18F: Stop using Slack**

Written by Greg Otto

Slack, its logo seen above, is used by 18F for a number of internal purposes. (Kris Krug/Flickr)

The General Service Administration's inspector general wants the agency's 18F unit to shut down its use of a popular workplace collaboration tool after it was found to expose personally identifiable and contractor proprietary information.

In a "management alert" issued Friday, the GSA IG says 18F's use of Slack - particularly OAuth 2.0, the authentication protocol used to access other third-party services - potentially allowed unauthorized access to 100 Google Drives, a cloud-based file storage service, in use by GSA. Furthermore, the report says that exposure led to a data breach.

It's unknown exactly who had access to or what data was stored on those Google Drives. The GSA IG office told FedScoop they could not confirm that any data was actually taken off those services.

In a statement, the IG office said they called the incident a data breach because of the administration's extremely inclusive definition.

GSA's Information Breach Notification Policy defines "data breach" as follows (emphasis ours):

Includes the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar term referring to situations where persons other than authorized users with an authorized purpose have access or potential access to PII, whether physical or electronic. In the case of this policy the term "breach" and "incident" mean the same.

A supervisor at 18F discovered the vulnerability in March and informed a senior GSA information security officer, who eliminated the OAuth authentication permissions between the GSA Google Drives and 18F's Slack account.

During the inspector general's investigation last week, it was learned that the vulnerability had been in existence since October 2015.

Additionally, the IG asked that any use of Slack or OAuth 2.0 inside GSA be shut down. The services were not in compliance GSA's Information Technology Standards Profile, which makes sure IT products and services meet GSA's security, legal, and accessibility requirements.

OAuth 2.0 is used by many web-based products, including a variety of social media networks, allowing users to sign into other services without entering a password. Earlier this year, researchers at a university in Germany found the protocol can be susceptible to man-in-the-middle attacks.

Slack has been a darling of the startup world in recent months, allowing enterprises to internally collaborate and move away from internal emails. (Full disclosure: FedScoop is a user.) Slack CEO Stewart Butterfield has touted that GSA, along with NASA and the State Department, are users.

In FOIA requests FedScoop submitted to the agencies reportedly using Slack, only GSA would admit they are in fact using the service. 18F has publicized a lot of the work it has done with Slack, including a bot that onboards new employees.

After the release of the report, Rep. Jason Chaffetz, R-Utah, issued a statement calling the incident "alarming."

"While we appreciate the efforts to recruit IT talent into the federal government, it appears these 'experts' need to learn a thing or two about protecting sensitive information," the chairman of the House Committee on Oversight and Government Reform said. "The committee intends to further investigate this matter to ensure proper security protocol is followed."

Read the IG's management alert on their website.

UPDATE 2:50 p.m.:

18F has written a blog post about the incident, with the office saying it conducted a "full investigation and to our knowledge no sensitive information was shared inappropriately."

The incident stems from 18F integrating Slack with Google Drive - something Slack users often do - which runs afoul of the way the government wants to store its information.

"Upon discovering that this integration had been accidentally enabled, we immediately removed the Google Drive integration from our Slack, and then we reviewed all Google Drive files shared between Slack and Drive, just to be sure nothing was shared that shouldn't have been," the blog post reads. "Our review indicated no personal health information (PHI), personally identifiable information (PII), trade secrets, or intellectual property was shared."

UPDATE 3:11 p.m.:

Slack has issued a statement:

"The issue reported this morning by the GSA Office of the Inspector General does not represent a data breach of Slack, and customers should continue to feel confident about the privacy and security of the data they entrust to Slack.

Slack leverages the existing Google authentication framework when users integrate Google Drive with Slack. This integration allows users to more easily share documents with other team members in Slack. However, only team members who have access to the underlying document from the permissions that have been set within Google can access these documents from links shared in Slack. Sharing a document into Slack or integrating Google Drive with Slack does not alter any existing Google document or Google Drive access permissions. Those permissions are set and managed within Google. Slack is unable to modify, grant or extend any permissions that exist in Google Drive.”

Contact the reporter on this story via email at [greg.otto@fedscoop.com](mailto:greg.otto@fedscoop.com),

**Are Slack Messages Subject to FOIA Requests?** - Recently, the government, which often lags behind on technology, has begun to catch on. According to Slack CEO Stewart Butterfield, the General Services Administration, NASA, and the State Department are all experimenting with using Slack for internal communication. The move is a potential boon to government productivity (notwithstanding the tide of emoji it will likely bring into the work lives of our nation’s public servants). But it could also be a threat to a vital tool for government accountability. Emails sent to and from most government accounts are subject to Freedom of Information Act requests. That means that any person can ask a federal agency to turn over emails sent to or from government email accounts, and the agency must comply- unless protected by one of nine exemptions, which cover classified material, trade secrets, and information that would invade personal privacy if released. (A FOIA request filed by Jason Leopold of Vice News resulted in the release of tens of thousands of emails from Hillary Clinton’s time as Secretary of State.) Calls to the FOIA offices of GSA, NASA, and the State Department inquiring about their policies with regards to Slack messages went unreturned. But a document posted last July by the National Archives and Records Administration mentions Slack specifically, and lays out guidelines for archiving electronic communications. To find out how the policies will actually be carried out, one FOIA enthusiast is testing the government’s readiness to comply with requests for Slack messages.

Allan Lasser is a developer at MuckRock, a website that helps its users send and monitor FOIA requests. Earlier this month, he sent a request to the Federal Communications Commission, asking the agency to reveal a list of teams that use Slack to communicate at work. If he’s successful, Lasser wrote to me in an email, he’ll be able to search for the names of the specific Slack channels and groups that the FCC has set up, and can tailor a follow-up FOIA request for the actual messages he wants to see. So why is Lasser going after FCC employees’ work-related communications? He was motivated by the same reason that set me out to write this story: to find out if and how Slack and the federal government have thought about how to deal with FOIA requests. The FCC is generally up with modern technology and has been responsive to FOIA requests in the past, Lasser said, so he chose that agency as his proving ground- even though he’s not sure if they use Slack. (His request is unlikely to succeed: An FCC spokesperson said the agency does not use the program.)

It’s important that we set high expectations and a clear path for requesting Slack data from agencies,” Lasser wrote to me. “Slack is becoming a de-facto tool for internal workplace communication, so this is a situation where we can really get ahead of the government in setting clear expectations for record retainment and disclosure.” Slack, for its part, is trying to make it easier for organizations to comply with strict document-retention requirements. Usually, the lead user of a group that uses Slack is allowed to export a transcript of all messages sent and received in public channels and groups. But a change the company made in 2014 allows organizations to apply for a special exemption that allows them to export every message sent and received by team members- including one-on-one messages and those sent in private groups. A spokesperson for Slack said the extra export capabilities were designed in part to allow federal agencies to comply with FOIA requests, in addition to helping financial-services companies that have to follow strict message-retention rules, and companies that are subject to discovery in litigation. The spokesperson would not share the number of organizations that have applied for the special export program, saying only that it represented “a small percentage of Slack customers.” The federal government has made note of the special allowance. “Slack functionality has the potential to provide improved searchability for FOIA



purposes if implemented appropriately within agencies, and with adequate records management control in accordance with NARA's regulations," said a spokesperson for the National Archives.

I could find no record of a completed FOIA request in the U.S. that targeted Slack messages. But in November, an Australian news website called Crikey successfully filed a freedom-of-information request for Slack messages sent between employees in a government agency focused on digital technology. Crikey got back a 39-page transcript of Slack messages exchanged on October 8, 2014, in an apparently public channel.

The Australian government redacted Slack usernames to protect employees' privacy, but the transcript still reveals the day-to-day banalities of office work: comments about the weather, morning commutes, and work-life balance. It even included emoji reactions: A message complaining about a chilly office earned its author one ironic palm tree. Of course, there will always be easy ways to keep communications off the record: picking up the phone, or, better yet, arranging an in-person meeting. But email has for years been the bread and butter of everyday communication, and plays a role in nearly every bureaucrat's daily life. If email fades, and Slack- or some other platform- becomes the new nexus for daily correspondence, then open-government policies must also evolve to keep up.

On Thu, Feb 7, 2019 at 1:25 PM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

See below - this seems to be coming to a head. Can you produce for me a few bullets outlining what the principal concerns are from a FOIA and records perspective regarding Slack? Technical, operational, etc? I then plan to have a direct conversation with David Shive about this to gauge his take and whether he feels a) Slack can / can be made to be compliant with what's required, and b) if not, then get his support to archive the content in slack (assuming you can do that - not sure) and shut that system down. If it gets to that point, then I see a big meeting with TTS, OGC, us, OCIO, and probably Allison as well to figure this out. But first step will be with the CIO

Bob

----- Forwarded message -----

From: **Claudia Nadig - LG** <[claudia.nadig@gsa.gov](mailto:claudia.nadig@gsa.gov)>

Date: Thu, Feb 7, 2019 at 12:59 PM

Subject: Fwd: TTS Request for Partial Release of Five (5) Active FOIA's

To: Bob Stafford - H1AC <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)>, Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)>

Cc: Duane Smith <[duane.smith@gsa.gov](mailto:duane.smith@gsa.gov)>, Seth Greenfeld - LG <[seth.greenfeld@gsa.gov](mailto:seth.greenfeld@gsa.gov)>, John Peters - LG <[john.h.peters@gsa.gov](mailto:john.h.peters@gsa.gov)>, Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)>

(b) (5)

Claudia Nadig  
Deputy Associate General Counsel - LG



Office of General Counsel  
General Services Administration  
(202) (b) (6)

----- Forwarded message -----

From: **Daniel Nicotera - LG** <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)>  
Date: Thu, Feb 7, 2019 at 11:51 AM  
Subject: Fwd: TTS Request for Partial Release of Five (5) Active FOIA's  
To: Claudia Nadig - LG <[claudia.nadig@gsa.gov](mailto:claudia.nadig@gsa.gov)>

FYI

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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From: **Amber Van Amburg - QOB** <[amber.vanamburg@gsa.gov](mailto:amber.vanamburg@gsa.gov)>  
Date: Thu, Feb 7, 2019 at 10:47 AM  
Subject: Re: TTS Request for Partial Release of Five (5) Active FOIA's  
To: Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)>  
Cc: Marshall Brown - QOB <[marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)>, Duane Fulton - H1FA <[duane.fulton@gsa.gov](mailto:duane.fulton@gsa.gov)>, Anil Cheriyan - Q2 <[anil.cheriyen@gsa.gov](mailto:anil.cheriyen@gsa.gov)>, Travis Lewis - H1F <[travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov)>

Hi Daniel,  
I would like to again request a meeting to discuss this approach. We want to comply with the request, but want to make sure we fully understand how to comply. In order for us to produce screenshots, we would have to be inside someone's live account. We truly have never processed a request of this nature and we need additional guidance on how to produce responsive documents.

Here are a few questions that we would like to discuss with you in person:

(b) (5)

(b) (5)

I appreciate your attention to this. We are very eager to finalize these requests. Please let me know of some times that work for you, and I will send out a calendar invite.

thanks  
Amber

On Thu, Feb 7, 2019 at 9:49 AM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

(b) (5)

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Wed, Feb 6, 2019 at 1:20 PM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

(b) (5)

(b) (5)

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Wed, Feb 6, 2019 at 11:20 AM Marshall Brown - QOB <[marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)> wrote:

Hello Dan,

Although I can't give you a date, to my knowledge Slack is working on the solution. Can you explain "alumni" Slack channels? Are you suggesting that there is additional information that needs to be sought out - other than the content included in the information already submitted/rejected as complete (contextually complete)?

I wanted to wait until now to respond because I participated in a meeting pertaining Slack this morning (it was not the forum to discuss the FOIA info).

Sincerely,

**Marshall J. Brown**  
Program Analyst  
**GSA Technology Transformation Service**  
Office: 202-219-1458  
Wireless: (b) (6)  
Email: [marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)

On Tue, Feb 5, 2019 at 2:31 PM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

(b) (5)

Daniel Nicotera

General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Tue, Feb 5, 2019 at 2:29 PM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

What date will the Slack materials be ready by?

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Tue, Feb 5, 2019 at 1:23 PM Marshall Brown - QOB <[marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)> wrote:

Hi Daniel,

In response to the following FOIA requests - GSA-2018-001662, GSA-2018-001665, GSA-2018-001702, GSA-2019-000017, and GSA-2019-000193 - it is my understanding that material obtained from the Slack program is not acceptable for release.

While TTS is working to obtain Slack documentation considered as acceptable, do we have an opportunity to release all other responsive materials to the requester?

Please let me know if the Slack documentation is the only holdup.

**Subject:** Fwd: Records Management and Your Request  
**Date:** Thu, 8 Nov 2018 07:46:31 -0500  
**From:** Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)>  
**To:** Susan Marshall - M <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)>, "Travis Lewis (H1C)" <[travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov)>  
**Message-ID:** <CABMTR3O0UkRAiXPbFgfo+cx\_8JPNN+XJsaRXVZS-ucBDDJoczg@mail.gmail.com>  
**MD5:** 1ca64c9d1866f0c8ad1472c00d8585ec

Hi Susan and Travis -

some more info for our discussion next week

Bob

----- Forwarded message -----

From: **Bob Stafford - H** <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)>  
Date: Wed, Nov 7, 2018 at 12:12 PM  
Subject: Re: Records Management and Your Request  
To: Dave Simmons <[david.simmons@gsa.gov](mailto:david.simmons@gsa.gov)>

Hi Dave -

thanks for the obvious thought and care you put into this response - I apologize it took me awhile to get back to you,. but I wanted to read and reread this so I fully grasped the implications of what you were sharing.

I think your analysis of the disparity between the importance of the role of RM and the perception of the program is spot on (I will say that I think that disparity is not unique to GSA). With the 2022 electronic records management deadline coming up from NARA as well as the increased focus on being able to locate and share information (and retain - or not - information in the proper way), a decision needs to be made about the role of this program and how it should be resourced based on the priorities of the agency. Based on the info you captured in your email, we need to develop a strategic plan for what resourcing of this program should be based on current information and what we see coming in the very near future.

I would like to share your analysis with Susan and Travis, but let me know if that's something you're not comfortable with. Either way, one of the things I will task Susan with is to do an analysis of the RM program - much like she did for the FOIA program - so that we have an idea of what the RM program really should look like from a resource standpoint (staffing, funding, IT systems, etc). Obviously you and Robert would be a critical part of that project since you bring the subject matter expertise and history of GSA's implementation of this program to the table. But I feel that if we don't define very clearly what the challenges are for GSA in the RM space and articulate what a future (if not ideal, but maybe) state looks like, we will have nothing more than anecdotal info to share and will be stuck in a never ending reactionary mode.

Let me know what you think, and if you're comfortable with me sharing what you wrote (or if you want to tweak it some, that's fine as well).

Thanks for the time and thought you put into this, I really appreciate it

Bob

On Thu, Oct 18, 2018 at 11:37 AM Dave Simmons <[david.simmons@gsa.gov](mailto:david.simmons@gsa.gov)> wrote:

material. Additionally, RM staff assist on disposition of materials in space to be decommissioned (such as regional supply centers), digitization of paper and other formats (AV, drawings, technical documentation, building information), and help to identify redundant information for reduction.

**Compliance:**

Records Management has historically been attentive to compliance issues surrounding information management since the Records Act of 1950. In addition, additional directives, regulations, and mandates have come from the OMB (M-12-18 - ERM), NARA (Capstone Approach to Email, and Revisions to Agency Records Schedules), and many others that engage all agency personnel and contractors in awareness of the information stewardship role they hold in trust to the taxpayer. Each year, we have 3 self-assessment reports (SAO Report, RM Self-Assessment, and Electronic Records Management) that are submitted to NARA, reviewed by the GAO and OMB, and published nationally. Our ability to serve in this role has had an extended compliance benefit in turning around requests for information in a timely manner for FOIAs, offering compelling evidence to support GSA in legal cases, and anticipate and mitigate against "lost" information; saving the agency money in settlements, lengthy investigations, and perception overriding the facts of the matter.

----

Since being CxO'd into OAS in 2013, I have shared plans and proposals with Cynthia, Erika, Ralph, Dan, Travis and Susan. I'm not sure if they are bubbling up to your level, but, if what you are asking for is a transformation of this Records Management office, then I'd like to take a more active role in developing plans that would modernize our RM program to be an invaluable resource and an exemplar of a federal agency's RM program. Such a transformation is more than merely a Google form information collection exercise and leadership evaluation of values. **Already, Records Management is at the bottom of the pile, based on people's perception of the program, the profession, and the annoyance of thinking RM as a compliance-driven mandate that is the lesser of other evils on the table. I'd like to help reverse that perception.**



U.S. General Services Administration

**Dave Simmons**

Knowledge Management Specialist &

Senior Records Officer

Office of Accountability and Transparency

**Subject:** Re: Chief FOIA Officers Council Meeting, dated October 4, 2018 at William G. McGowan Theater National Archives and Records Administration  
**Date:** Thu, 4 Oct 2018 15:03:08 -0400  
**From:** Travis Lewis - H1F <travis.lewis@gsa.gov>  
**To:** Kimberly Veach - H1FA <kimberly.veach@gsa.gov>  
**Cc:** Susan Marshall - M <susan.marshall@gsa.gov>, "Bob Stafford (H)" <bob.stafford@gsa.gov>  
**Message-ID:** <CAADcavq81KR1Lb5X797GDbR23g5A=bA2L9tFmFMSAe=p7vGYeg@mail.gmail.com>  
**MD5:** 76c751801f686e93cd2d25ccc6374a66

Hi Bob,

FYI - Sharing these notes from the meeting this morning with you as well

Thank you very much for sharing these notes with us Kimberly. I will glance through my notes as well and add anything else additional that I may have picked up from the conversations and the presentations from OGIS and OIP.



U.S. General Services Administration

Travis Lewis

Deputy Director

Office of Accountability and Transparency

Office of Administrative Services

202-219-3078



On Thu, Oct 4, 2018 at 2:44 PM, Kimberly Veach - H1FA <[kimberly.veach@gsa.gov](mailto:kimberly.veach@gsa.gov)> wrote:

Good afternoon, Susan and Travis:

Below are my notes from today's Chief Freedom of Information Act (FOIA) Officers Meeting held at William G. McGowan Theater National Archives and Records Administration. The Co-Chairs, Melanie Ann Pustay, Director, Office of Information Policy and Alina M. Semo, Director, Office of Government Information Services, discussion was on the Final Report and Recommendations of the 2016-2018 FOIA Advisory Committee and DOJ OIP Agency Guidance.

#### **1. Good Communication**

- Providing individualized tracking numbers.
- Providing both the date of receipt and an estimated date of completion to requesters when asked for status.
- Explaining the FOIA process or any delays in processing when providing status.
- Addressing all phone calls (same day) and ensuring that voice mail are not full.
- Providing requests with the point of contact for information about their request. (OIP would like to Flip this item, for the agency to provide the modify request verbiage for the requestor)
- Making it easy to discuss scope and status.
- Making it easy to narrow requests.
- Having a process for interim responses.
- Communicating electronically as a default.
- Providing links to public information and ensuring that all links are working.
- Providing detailed information on FOIA fee estimates.

Importance of Quality Requester Services: Roles and Responsibilities of FRSCs and FPLs.

- FRSCs are the first place where the public can go to get information about the FOIA generally or about a specific request.
- FPLs supervise the FRSC and ensure a "service-oriented response to FOIA requests and FOIA-related inquiries."

Best practices from Best Practices Workshops:

- Maintaining frequent and substantive communications
- Proactively communicating with requesters
- Memorializing discussion
- Leveraging multi-track processing
- Explaining type of records maintained
- Maintaining up-to-date contact information
- Making online records findable and accessible (508 Compliance and index)

#### **2. Effective Case Management**

- Multi-Track Processing. ("Simple" request in a different queue from "complex" requests, thereby improving timelines.
- Agency should focus on processing "Simple" track requests within 20 days.
- FOIA Management and Accountability – Reducing Backlogs and Improving Timeliness.
- Agency should use the Self-Assessment Tool-Kit
- Obtaining Leadership Support
- Routinely Reviewing Processing Metrics
- Staff Training and Engagement.
- Focusing on the 10 Oldest Requests
- Leveraging Technology
- Building Relationships with Program Offices
- Getting Employee Buy-in and Developing Quality Staff.

#### **3. Increased Proactive Disclosures**

- Take steps to ensure an ongoing process for identifying proactive disclosures.
- Material should be posted in open formats and information should be readily searchable.
- Implement systems and establish procedures to identify records of interest to the public on an ongoing basis and to systematically post such records.
- Establish procedures in key offices where officials routinely identify in advance, or as records are finalized, records that are good candidates for posting.
- Ensuring all posted records are 508 Compliance.

#### **4. Enhanced Use of IT**

- DOJ's FOIA Guidelines emphasize the importance of using modern technology to advance open government

and FOIA administration.

· 800,000 FOIAs last year, we might go over 1 million FOIAs this year.

You can watch today's Chief FOIA Officers Council Meeting  
at <https://www.youtube.com/watch?v=1kgsKAR8XNc>

If you have any questions, please call me at (202) 219-1603.

Respectfully,



U.S. General Services Administration

Kimberly G. Veach

Government Information Specialist

**Freedom of Information Act (FOIA)**

**Requester Service Center**

**Office of Accountability and Transparency**

**Subject:** Re: Records Management and Your Request  
**Date:** Wed, 7 Nov 2018 17:44:24 -0700  
**From:** Dave Simmons <david.simmons@gsa.gov>  
**To:** Bob Stafford - H1AC <bob.stafford@gsa.gov>  
**Message-ID:** <CAHgHr73T8Aj=8uzimEKLxKRaz\_SmSqghO-HAn+oJq1Hrm=1vJA@mail.gmail.com>  
**MD5:** c75032b0a8b941fab3425264da5e541d

Sure, Bob, share away. I have a couple of Strategic plans up my sleeve that I have already shared with them. I was trying to fit into your format, so I'm sure we can develop a stronger RM plan from all of this material.

Thanks for your response. I really appreciate your willingness to talk directly.

Dave

On Wed, Nov 7, 2018, 10:12 AM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

Hi Dave -


thanks for the obvious thought and care you put into this response - I apologize it took me awhile to get back to you,. but I wanted to read and reread this so I fully grasped the implications of what you were sharing.

I think (b)(5)



Based on the info you captured in your email, (b)(5)

I would like to share your analysis with Susan and Travis, but let me know if that's something you're not comfortable with. Either way, (b)(5)



Let me know what you think, and if you're comfortable with me sharing what you wrote (or if you want to tweak it some, that's fine as well).

Thanks for the time and thought you put into this, I really appreciate it

Bob

On Thu, Oct 18, 2018 at 11:37 AM Dave Simmons <[david.simmons@gsa.gov](mailto:david.simmons@gsa.gov)> wrote:

Hi, Bob,

In the 20 years before coming to GSA, I made a career out of discerning vision and mission statements, making strategic and tactical plans, planning budgets, tracking developments, and making yet even

more plans. I taught and collaborated in both classrooms and boardrooms on this matter for not-for-profits, companies, and libraries to this day. I feel strongly that OAS is GSA's GSA and we have a responsibility to model service to the agency for not only GSA but also other agencies. To that end, I'm stepping up and over, without apologies, to express my opinion on RM in GSA, at your request.

I spent some time this morning noodling over your request for information on how OAS is (or should be) focused on FY19. Though RM has a "back office" role of support for a lot of other OAS and GSA initiatives, I feel strongly that fully understanding what RM does lays the foundation for what we can do additionally in the future.

Often, RM is relegated to a "maintenance of effort" level which means no changes in staffing (either reassignments or hiring), or budget resources, but, at the same time, we are asked to take on additional tasks, support roles, and respond to major, time-sensitive initiatives that not were planned for. Such an imbalance leads us towards a reactive state in our office with less of a desire to make plans, and only react to what the "front office" requests. That's no way to turn around a function vital to GSA or to be an exemplar in our field. A waiting state for an organization is a rotting state with no growth or improvement on the horizon. \

I present a couple of ad hoc elevator speeches for each of those areas you laid out. Granted, some are probably 40 floor stairwell speeches in this state, but I can probably express these in an 1800F elevator ride better with more time:

#### **People:**

In Records Management, we are constantly educating people in managing their information resources, helping to guide policy and IT application management to assure NARA Compliance, and responding to requests for presentations, training and orientation on effective management of records. In records management, we are modeling what it means for agency personnel to work with and be accountable to information created as part of the agency's mission.

#### **Services:**

The Records Management office is called upon by all business lines from the Office of Inspector General to the Payroll Office, from a field office in Region 9 to Central office, from HSSOs to staff clerks; to provide guidance, analysis, and response to services requiring a management of GSA's information resources. Such services include: developing agency policies on email management, providing analysis and insights on an OPM merger, responding to requests for specialized information collections that need managed in accordance with the law, assisting OGC and OIG and other GSA and Judiciary requests in finding information for investigations and evidentiary materials, arranging for transfers of material from GSA to the Federal Records Centers, and approving destructions or transfers of high-value information resources. In electronic records management, staff assist in evaluating GSA's applications, advising on metatagging for better recall of material and developing an enterprise-wide document repository.

#### **Workplace:**

In addition to services listed above, the Records Management office has tours each of the Regional Office Buildings to orient new Workplace Services teams to records management at the local level and provides inspection and advisory services on cleaning up/out office spaces that have accumulated material. Additionally, RM staff assist on disposition of materials in space to be decommissioned (such as regional supply centers), digitization of paper and other formats (AV, drawings, technical documentation, building information), and help to identify redundant information for reduction.

#### **Compliance:**

Records Management has historically been attentive to compliance issues surrounding information management since the Records Act of 1950. In addition, additional directives, regulations, and mandates have come from the OMB (M-12-18 - ERM), NARA (Capstone Approach to Email, and Revisions to Agency Records Schedules), and many others that engage all agency personnel and contractors in awareness of the information stewardship role they hold in trust to the taxpayer. Each year, we have 3 self-assessment reports (SAO Report, RM Self-Assessment, and Electronic Records Management) that are submitted to NARA, reviewed by the GAO and OMB, and published nationally. Our ability to serve in this role has had an extended compliance benefit in turning around requests for information in a timely manner for FOIAs, offering compelling evidence to support GSA in legal cases, and anticipate and mitigate against "lost" information; saving the agency money in settlements, lengthy investigations, and perception overriding the facts of the matter.

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Since being CxO'd into OAS in 2013, I have shared plans and proposals with Cynthia, Erika, Ralph, Dan, Travis and Susan. I'm not sure if they are bubbling up to your level, but, if what you are asking for is a transformation of this Records Management office, then I'd like to take a more active role in developing plans that would modernize our RM program to be an invaluable resource and an exemplar of a federal agency's RM program. Such a transformation is more than merely a Google form information collection exercise and leadership evaluation of values. **Already, Records Management is at the bottom of the pile**, based on people's perception of the program, the profession, and the annoyance of thinking RM as a compliance-driven mandate that is the lesser of other evils on the table. I'd like to help reverse that perception.



U.S. General Services Administration

	<b>Dave Simmons</b>
	Knowledge Management Specialist &
	Senior Records Officer
	Office of Accountability and Transparency

**Subject:** Re: GSA Compliance Areas  
**Date:** Sun, 24 Feb 2019 18:29:23 -0500  
**From:** Theresa Ottery - H1AA <theresa.ottery@gsa.gov>  
**To:** Bob Stafford - H <bob.stafford@gsa.gov>  
**Cc:** Joseph Castle - QXD <joseph.castle@gsa.gov>, "Travis Lewis (H1C)" <travis.lewis@gsa.gov>  
**Message-ID:** <CAAc1DcxHEPbJWGL1p9fc9othynjqsSuSnwuWsd9mQ=Xjcrv99g@mail.gmail.com>  
**MD5:** e515030a81b67fa986c361e4b2ad5efd

Hi:

Right on both counts. The Paperwork Reduction Act responsibilities fall under the CIO, but these have been delegated to the Office of the Regulatory Secretariat ([GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov)). Among other responsibilities, the Reg Sec obtains OMB approval for info collections from the public. For any expiring info collections for GSA forms, we loop thru them and for Governmentwide Standard or Optional forms, we loop thru the agency that owns the form.

Joe, let me know if my team or I can assist with any other questions.

Theresa Ottery  
Director  
Office of Executive Secretariat & Audit Management  
Office of Administrative Services  
U.S. General Services Administration  
Washington, DC 20405

(b) (5)

[theresa.ottery@gsa.gov](mailto:theresa.ottery@gsa.gov)

On Sun, Feb 24, 2019 at 2:20 PM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

Hi Joseph -

for records management (and FOIA as well) you can direct them to contact Travis Lewis in the Office of Accountability and Transparency. For the forms program, you can have them contact Theresa Ottery in the Office of Executive Secretariat and Audit Management. I believe the Paperwork Reduction Act actually falls under the CIO, although it may be out of the regulatory secretariat in OGP - Theresa, do you know which is correct? And the Chief Privacy Officer is in the Office of the Deputy OCIO under Beth Killoran.

Bob

On Fri, Feb 22, 2019 at 5:08 PM Joseph Castle - QXD <[joseph.castle@gsa.gov](mailto:joseph.castle@gsa.gov)> wrote:

Hi Bob,  
Can you help NASA?

Thanks,

Joe

----- Forwarded message -----

From: **Richard Apple - IDILM** <[richard.apple@gsa.gov](mailto:richard.apple@gsa.gov)>

Date: Fri, Feb 22, 2019 at 1:52 PM

Subject: Re: GSA Compliance Areas

To: Joseph Castle - QXD <[joseph.castle@gsa.gov](mailto:joseph.castle@gsa.gov)>

Hi Joseph,

If I understand correctly, you probably need to contact the [Agency Records Officer](#). The Office of Administrative Services (OAS), [Bob Stafford, Chief](#), may be able to help you.

Respectfully,

Richard Apple

Regional IT Manager, GSA Region 7  
819 Taylor ST, Fort Worth, TX 76102  
[817-978-4659](tel:817-978-4659) Voice [816-823-5525](tel:816-823-5525) FAX  
GSA Office of the Chief Information Officer

Press on Regardless!

CONFIDENTIALITY NOTICE: This email message and any attachments to this email message may contain confidential information belonging to the sender which is legally privileged. If you have received this transmission in error, please notify us immediately by telephone or return email and delete and destroy the original email message, any attachments thereto and all copies thereof.

On Fri, Feb 22, 2019 at 11:46 AM Duley, Jason J. (ARC-JD000) <[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)> wrote:

Thanks Joe!

Richard,

Hoping you can chat with Lori when you have a moment to bounce some questions off you guys on some compliance topics. Lori can reach out and set something up later this month.

Jason

---

**From:** Joseph Castle - QXD <[joseph.castle@gsa.gov](mailto:joseph.castle@gsa.gov)>

**Date:** Tuesday, February 12, 2019 at 6:30 AM

**To:** "Duley, Jason J. (ARC-JD000)" <[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)>, Richard Apple <[richard.apple@gsa.gov](mailto:richard.apple@gsa.gov)>

**Cc:** "Parker, Lori (HQ-JD000)" <[lori.parker@nasa.gov](mailto:lori.parker@nasa.gov)>

**Subject:** Re: GSA Compliance Areas



+ Richard Apple, GSA IT's Privacy Officer.

Richard, can you help Jason and Lori? Or point them in the right direction?

Thanks,

Joe

On Mon, Feb 11, 2019 at 12:10 PM Duley, Jason J. (ARC-JD000) <[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)> wrote:

Joe,

How's it going. Lori cc'ed and I were wondering how GSA implements it's records management, forms, PRA, Privacy, etc as we currently have those "compliance" areas under our Information Management portfolio in OCIO. Since you're the most well-connected CS I know over at GSA, hoping you can point us to some GSA colleagues so Lori and I might follow-up with them in these areas to compare notes. Any pointers you can provide would be great!

Thanks,

{

name: "Jason Duley",

title: "Information Management Program Executive",

company: "NASA/OCIO",

email: "[jason.duley@nasa.gov](mailto:jason.duley@nasa.gov)",

phone: "(b) (6)

}

--

Joseph Castle

Director of Code.gov

U.S. General Services Administration

(b) (6)

**Subject:** Re: Thank you  
**Date:** Fri, 8 Feb 2019 09:36:36 -0500  
**From:** Bob Stafford - H <bob.stafford@gsa.gov>  
**To:** Susan Marshall - H1F <susan.marshall@gsa.gov>  
**Cc:** Travis Lewis - H1F <travis.lewis@gsa.gov>  
**Message-ID:** <CABMTR3M1+TMrZZ10Us78o18Hw6+bPcEEgQUTsBBwjrqYWLUfiw@mail.gmail.com>  
**MD5:** b7ab709542612ce362727e777970df946

thanks Susan - that's great to hear. I think FAS is very focused on improving their internal operations and compliance activities, so great to hear they are taking the FOIA process and responsibilities seriously. I would be interested to see what Karen's language looks like in her plan regarding FOIA - probably too late for this cycle, but for next year, I would think it would make sense for that language to be in the performance plans of the reps from the SSOs who are responsible for the FOIA response process, and I would be happy to pitch that to Allison when the time comes

Bob

On Fri, Feb 8, 2019 at 9:17 AM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

Hi Bob,

Just a quick note to let you know that yesterday we met with Karen Link, and Briana Zack from FAS. We had a good conversation about the current process, and discussed specific FOIA cases and procedures. As you can see from Karen's note below, she is very appreciative of the work being done by Travis and his FOIA team. In the near future, she and her staff are going to meet with all of the FAS FOIA points of contacts to reinforce the importance of the FOIA program and then contact us to let us know if that team has any comments for us.

Also, Karen told us she is going to include a FOIA program standard in her performance plan this year. As I recall, the Department of Justice reporting process asks us and other agencies whether we use FOIA performance standards to hold program officials who participate in the process, accountable for results. Since Karen is including FOIA in her performance plan this year, we will be able to report to Justice, for the first time, that GSA is holding program officials accountable for FOIA results through the performance planning process.

Regards,  
Susan

----- Forwarded message -----

From: **Karen Link - Q0A** <[karen.link@gsa.gov](mailto:karen.link@gsa.gov)>  
Date: Fri, Feb 8, 2019 at 7:53 AM  
Subject: Re: Thank you  
To: Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)>  
Cc: Briana Zack - Q0A <[briana.zack@gsa.gov](mailto:briana.zack@gsa.gov)>, Travis Lewis - H1F <[travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov)>, Hyacinth Perrault - H1FA <[hyacinth.perrault@gsa.gov](mailto:hyacinth.perrault@gsa.gov)>, Tricia Sieveke - 2Q1 <[tricia.sieveke@gsa.gov](mailto:tricia.sieveke@gsa.gov)>

Thanks, Susan - It's always a pleasure to get together with you and the team. We look forward to partnering with you to move the program forward.

Appreciate you forwarding this information. We're going to pull our FOIA folks together and reinforce the importance of the FOIA program and the value it provides. We'll be in touch in the next few weeks to set up a larger meeting with the FOIA program team to explore ways we can help each other.

Thanks again.

Best - Karen

On Fri, Feb 8, 2019 at 7:25 AM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

<https://www.federaltimes.com/it-networks/2019/02/07/what-comes-after-legally-mandated-open-data/>

Hi Karen and Briana,

Again, thank you for taking the time to meet with us yesterday and for helping us make the GSA FOIA program a success. Please know that we are always available to answer questions or discuss new ways of processing cases.

During our meeting I mentioned that I would send you some information about a new OPEN data law that was enacted last month which may impact the GSA FOIA program so I've included in this email a link to a Federal Times article that describes the new law.

We look forward to continuing to work with you.

All the best,  
Susan

--

Karen E. Link  
Senior Advisor  
Office of the FAS Commissioner

Federal Acquisition Service (FAS)  
U.S. General Services Administration (GSA)  
(703) (b) (6) (Mobile)

[karen.link@gsa.gov](mailto:karen.link@gsa.gov)

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U.S. General Services Administration

**Susan Marshall**

Director, Office of Accountability and Transparency  
Office of Administrative Services  
(202) (b) (6)

**Subject:** Re: TTS Request for Partial Release of Five (5) Active FOIA's  
**Date:** Fri, 8 Feb 2019 12:27:19 -0500  
**From:** Susan Marshall - H1F <susan.marshall@gsa.gov>  
**To:** Bob Stafford - H <bob.stafford@gsa.gov>  
**Cc:** "Travis Lewis (H1C)" <travis.lewis@gsa.gov>  
**Message-ID:** <CAGjuJh5rXzH5L1EW2SsszdG8Xm\_dzM8cQoOO+Hk09EW0vqEe2g@mail.gmail.com>  
**MD5:** 53a436c663845e22fccc360597da298f  
**Attachments:** OAS\_P\_18201\_Records\_Management\_Directive\_Signed\_3-7-2014\_Rev\_7-25-2018 (3).pdf

Hi Bob,

Below is some information that I hope will be useful to you. Please let me know if you have questions or need any additional information.

NARA defines recordkeeping in Title 44 and it requires employees to document how, when, where and why agency decisions were made in order to ensure citizens are not kept in the dark about how their government works but rather provide them with access to agency decision-making information. Individuals can access this information using the Freedom of Information Act request process which is outlined in Title 5, Section 552. The **2015-02 NARA Bulletin on Managing Electronic Messages**, listed below, was issued to agencies so they could implement Congress' new definition of electronic record. You'll notice the NARA guidance includes a reference to Slack.

The attached GSA Records Management program policy references electronic record rules, which are, for the most part, the same or similar to the rules for paper records. Also, the Office of Communication (OSC), which frequently uses Twitter and Facebook to communicate with the public, developed and issued a Social Media policy so employees know that using these tools to communicate with others means you are doing business on behalf of GSA. Below is an excerpt from the OSC policy.

All in all, I think, for the most part the NARA regulations and our implementing rules are fairly straightforward, however, because Slack is not "record" friendly, we have repeatedly encountered issues being able to release Slack data to the public through FOIA, because we haven't been able to capture it in a readable format. I would add that the IG recommended the agency shut down Slack after auditors learned that it exposed personally identifiable and contractor proprietary information in 2015. It seems like a tool that will do nothing to help GSA comply with the law or be more effective and efficient. Instead it seems like it will remain a liability since we can't figure out how to ensure the information in it complies with Federal Record Act law and NARA guidance, which again, could be reported by the IG as an internal control weakness.

### ***GSA Social Media Policy (excerpt)***

An employee is communicating in his/her official capacity when his/her supervisor assigns this activity as part of the employee's official duties. When an employee communicates in an official capacity, he/she is communicating on behalf of GSA and can only do what is authorized by GSA, as outlined in this Order and the Social Media Navigator. Any content an employee publishes on social media in an official capacity is done on behalf of GSA.

***The 2016 NARA policy below specifically describes how agencies should implement Congress' new definition of electronic record.***

Bulletin 2015-02 | National Archives

Bulletin 2015-02

July 29, 2015

TO: Heads of Federal Agencies

SUBJECT: Guidance on Managing Electronic Messages

EXPIRATION DATE: Expires when revoked or superseded

1. What is the purpose of this Bulletin?

This Bulletin provides records management guidance for electronic messages. Specifically, this Bulletin applies to text messaging, chat/instant messaging, messaging functionality in social media tools or applications, voice messaging, and similar forms of electronic messaging systems. There are a wide variety of systems and tools that create electronic messages. This Bulletin will help agencies develop strategies for managing their electronic messages.

This Bulletin replaces the [FAQ About Instant Messaging](#). This Bulletin does not contain guidance for email. For guidance on email and social media, see Question 11.

2. What are electronic messages?

The Federal Records Act was amended in November 2014 and added a new definition for electronic messages at 44 U.S.C. 2911. The law states, “The term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.”

Electronic messaging systems allow users to send communications in real-time or for later viewing. They are used to send messages from one account to another account or from one account to many accounts. Many systems also support the use of attachments. They can reside on agency networks and devices, on personal devices, or be hosted by third party providers.

*The following table includes a non-exhaustive list of types of electronic messaging and examples.*

Types of Electronic Messaging	Examples
Chat/Instant messaging	Google Chat, Skype for Business, IBM Sametime, Novell Groupwise Messenger, Facebook Messaging
Text messaging, also known as Multimedia Messaging Service (MMS) and Short Message Service (SMS)	iMessage, SMS, MMS on devices, such as Blackberry, Windows, Apple, or Android devices
Voiceemail messaging	Google Voice, voice to text conversion
Can have voiceemail sent to email as an attachment.	
Messages can be sent or received from landline or mobile phones	
Other messaging platforms or apps, such as social media or mobile device applications. These include text, media, and voice messages.	Twitter Direct Message, Slack, Snapchat, WhatsApp, Pigeon, Yammer, Jive, or other internal collaboration networks

3. Can electronic messages be Federal records?

Electronic messages created or received in the course of agency business are Federal records. Like all Federal records, these electronic messages must be scheduled for disposition. Some types of electronic messages, such as email messages, are more likely to contain substantive information and thus are likely to require retention for several years, or even permanently.

At this time, current business practices make it more likely other types of electronic messages, such as chat and text messages, contain transitory information or information of value for a much shorter period of time. Regardless, agencies must capture and manage these records in compliance with Federal records management laws, regulations, and policies. As use of the electronic messaging systems changes over time, agencies will need to review and update these policies and procedures.

4. Can electronic messages created in personal accounts be Federal records?

Employees create Federal records when they conduct agency business using personal electronic messaging accounts or devices. This is the case whether or not agencies allow employees to use personal accounts or devices to conduct agency business. This is true for all Federal employees regardless of status. This is also true for contractors, volunteers, and external experts.

Personal accounts should only be used in exceptional circumstances. Agencies must provide clear instructions to all employees on their responsibility to capture electronic messages created or received in personal accounts to meet the requirements in the amended Federal Records Act.

The Federal Records Act (44 U.S.C. 2911 as amended by Pub. L. 113-187) states:

(a) IN GENERAL.- An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee-

(1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or

(2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

Electronic messages created or received in a personal account meeting the definition of a Federal record must be forwarded to an official electronic messaging account within 20 days. The statutory definition of electronic messages includes email.

5. What are some of the records management challenges associated with electronic messages?

Agencies may face the following challenges with managing electronic messages:

- | Electronic messaging systems are not designed with records management functionality, such as the ability to identify, capture, and preserve records;
  - | The use of multiple electronic messaging systems, types of devices to communicate, and service providers adds complexity to recordkeeping;
  - | Concern about ownership and control of the records created in third-party systems, such as Facebook or Twitter;
  - | Limited search capabilities to manage access and retrieval;
  - | Difficulty in associating messages with individual accounts or case files;
  - | Identification of appropriate retention periods within large volumes of electronic messages;
  - | Capture of complete records, including metadata and any attachments, in a manner that ensures their authenticity and availability;
  - | Development and implementation of records schedules, including the ability to transfer or delete records, apply legal holds on one or several accounts, or perform other records management functions; and
  - | Public expectations that all electronic messages are both permanently valuable and immediately accessible.
6. How should agencies address the records management challenges associated with the use of electronic messages?

Agencies may use the following list to identify, manage, and capture electronic messages:

- | Develop policies on electronic messages that address some of the challenges listed above.
- | Update policies when new tools are deployed or the agency becomes aware that employees are using a new tool.
- | Train employees on the identification and capture of records created when using electronic messaging accounts, including when employees use their personal or non-official electronic messaging accounts.
- | Configure electronic messaging systems to allow for automated capture of electronic messages and metadata. Removing reliance on individual users will increase ability to capture and produce messages.
- | Consider how terms of service and privacy policies may affect records management before agreeing to use electronic messaging systems. In addition, where possible, agencies should negotiate amended terms that allow the agency to collect records from the electronic messaging systems.
- | Use third-party services to capture messages, such as a service that captures all email, chat, and text messages created through agency-operated electronic messaging systems.
- | Ensure electronic messages with associated metadata and attachments can be exported from the original system to meet any agency needs, including long term preservation.

7. What other information governance requirements are associated with electronic messages?

In addition to records management statutes and regulations, other information governance statutes and obligations apply to electronic messages and have implications for their management. Records officers should work with their agency's privacy office, Freedom of Information Act office, and General Counsel to ensure electronic messages are both protected from unauthorized disclosure and available for release or production when needed.

8. What should agencies consider when developing policies on the use of electronic messages?

Electronic messaging is a fluid, evolving technology and new tools are always being created. Agencies constantly balance the concerns of providing practical records management guidance with the needs of employees to use the best tools available to conduct agency business. Simply prohibiting the use of electronic messaging accounts to conduct agency business is difficult to enforce and does not acknowledge the ways employees communicate.

NARA recommends agencies provide the appropriate tools to employees, and where appropriate to contractors, volunteers, and external experts, to communicate and complete their work. By providing these tools, agencies maintain more control over the systems. Agencies can then determine a strategy to manage and capture content created in those systems. Agencies run the risk of employees conducting business on personal accounts when they do not provide these tools.

Records management staff should work with legal staff, information technology staff, and any other relevant stakeholders in the policy making process. This ensures the agency's overall information management strategy includes records management.

#### 9. What possible approaches could agencies use to manage electronic messages?

Agencies are responsible for determining the best possible approaches to managing electronic messages. The following are possible approaches to consider.

Agencies should determine a minimum time frame to keep electronic messages in order to meet ongoing business, audit, and access needs. Electronic messages should be kept electronically in a searchable and retrievable manner.

Agencies should capture content from electronic messaging accounts whether administered by the agency or third-party providers. The ability to capture will be dependent on the capabilities and configurations of the electronic messaging system. By setting a capture point and determining a minimum time frame, agencies remove the need for employees to make message by message record determinations.

Agencies should consider adopting a [Capstone approach](#) to scheduling and managing electronic messaging accounts. They may implement policies and technology to capture all electronic messages in certain Capstone positions for permanent retention. Similarly, agencies may implement policies and technology for the temporary retention of non-Capstone officials' electronic messages. Extending the Capstone approach may help agencies with the challenges of managing electronic messages.

Regardless of the approach, agencies must have records schedules that cover electronic messages. The General Records Schedules provide disposition authority for administrative records common to all Federal agencies and may be applicable to some electronic messages. If an existing authority does not cover electronic messages that are records, agencies must develop a new disposition authority. Electronic messages may have short-term, long-term, or permanent value and will need to be scheduled and managed accordingly. By law, unscheduled records must be treated as permanent.

Agencies will need to transfer permanent electronic messages to NARA in accordance with the [guidance](#) in place at the time of the transfer.

#### 10. How do agencies report the loss of electronic messages?

In accordance with the Federal Records Act (44 U.S.C. 2905(a) and 3106) and its implementing regulations (36 CFR Part 1230), when an agency becomes aware of an incident of unauthorized destruction, they must report the incident to the Office of the Chief Records Officer for the U.S. Government. The report should describe the records, the circumstances in which the unauthorized destruction took place, and the corrective steps being taken to properly manage the records in the future. If NARA learns of the incident before the agency has reported it, NARA will notify the agency and request similar information. The goal of this process is to ensure that the circumstances that may have led to the loss of Federal records are corrected and that similar losses do not occur in the future.

#### 11. What other NARA guidance is available for email and social media?

For related guidance about email or social media, see the following:

[2014-06](#): Guidance on Managing Email, September 15, 2014 as transmitted by [OMB M-14-16](#)

[2014-04](#): Revised Format Guidance for the Transfer of Permanent Electronic Records, January 31, 2014

[2014-02](#): Guidance on Managing Social Media Records, October 25, 2013

[2013-03](#): Guidance for Agency Employees on the Management of Federal Records, Including Email Accounts, and the Protection of Federal Records from Unauthorized Removal, September 09, 2013

[2013-02](#): Guidance on a New Approach to Managing Email Records, August 29, 2013

#### 12. Whom do I contact for more information?

Agency staff should contact their [agency records officers](#) to discuss records management issues for electronic messages. Your agency's records officer may contact the [NARA appraisal archivist](#) with whom your agency normally works.

On Fri, Feb 8, 2019 at 11:20 AM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

Talked with David this morning - he is going to set up a meeting with TTS, us, OGC and the OCIO folks to talk through this issue. I brought up that, unlike google chat or other platforms where you might argue



that those are just "water cooler" environment where, if something constituting a record is created there, its supposed to be pasted into an email, Slack has now basically turned into the system of record for decision making for TTS. More so than email. So he agreed that we needed to talk through what that means from a system and compliance standpoint and see what next steps would be

For that discussion, can you please pull together the specs / requirements for electronic information that is compliant with the FRMA and FOIA? I am guessing that there probably isn't a highly technical spec for either, but some description or indicator of whatever constitutes a compliant piece of electronic information relative to those laws. Thanks - I will be attending the meeting and will add you both as well.

Bob

On Fri, Feb 8, 2019 at 10:39 AM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

Thanks, Bob!

On Fri, Feb 8, 2019 at 9:38 AM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

thanks - I have reached out to David's scheduler to see if I can get on his calendar today or Monday at the latest. Will keep you posted

Bob

On Thu, Feb 7, 2019 at 2:33 PM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

Hi Bob,

Travis drafted the following bullet points for you and I added some detail and included some articles. Please let us know if you have any question or need any additional information.

**-GSA Records Management does not determine which IT tools the agency can or cannot use, even if those tools impact records management- only GSA IT can make that determination.**

**-The Audit Logs that SLACK produces are not up to compliance standards of the Federal Records Management Act or Freedom of Information Act public releasability standards.**

**-The results of both GSA IT and TTS led SLACK e-discovery pulls do not meet the standards of the Federal Records Management Act or Freedom of Information Act Standards. They do not contain required meta-data, nor do they contain results that can be reasonably comprehended by the public without significant manual manipulation of the results.**

**-Below you will find two articles- the first describes an IG report which recommends that GSA discontinue its use of Slack and the second article talks about whether Slack can create government records for FOIA purposes. It says that NARA guidance specifically mentions Slack as a social media tool that can create electronic records which should be archived.**

**- Here is a quote from one of the articles- "*Slack, for its part, is trying to make it easier for organizations to comply with strict document-retention requirements. Usually, the lead user of a group that uses Slack is allowed to export a transcript of all messages sent and received in public channels and groups. But a change the company made in 2014 allows organizations to apply for a special exemption that allows them to export every message sent and received by team members- including one-on-one messages and those sent in private groups.*" A spokesperson for Slack said the extra export capabilities were designed in part to allow federal agencies to comply with FOIA requests, in addition to helping financial-services companies that have to follow strict message-retention**

rules, and companies that are subject to discovery in litigation. The spokesperson would not share the number of organizations that have applied for the special export program, saying only that it represented “a small percentage of Slack customers.” The federal government has made note of the special allowance. “Slack functionality has the potential to provide improved searchability for FOIA purposes if implemented appropriately within agencies, and with adequate records management control in accordance with NARA’s regulations,” said a spokesperson for the National Archives.

## **GSA watchdog to 18F: Stop using Slack**

Written by Greg Otto

Slack, its logo seen above, is used by 18F for a number of internal purposes. (Kris Krug/Flickr)

The General Service Administration’s inspector general wants the agency’s 18F unit to shut down its use of a popular workplace collaboration tool after it was found to expose personally identifiable and contractor proprietary information.

In a “management alert” issued Friday, the GSA IG says 18F’s use of Slack - particularly OAuth 2.0, the authentication protocol used to access other third-party services - potentially allowed unauthorized access to 100 Google Drives, a cloud-based file storage service, in use by GSA. Furthermore, the report says that exposure led to a data breach.

It’s unknown exactly who had access to or what data was stored on those Google Drives. The GSA IG office told FedScoop they could not confirm that any data was actually taken off those services.

In a statement, the IG office said they called the incident a data breach because of the administration’s extremely inclusive definition.

GSA’s Information Breach Notification Policy defines “data breach” as follows (emphasis ours):

Includes the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar term referring to situations where persons other than authorized users with an authorized purpose have access or potential access to PII, whether physical or electronic. In the case of this policy the term “breach” and “incident” mean the same.

A supervisor at 18F discovered the vulnerability in March and informed a senior GSA information security officer, who eliminated the OAuth authentication permissions between the GSA Google Drives and 18F’s Slack account.

During the inspector general’s investigation last week, it was learned that the vulnerability had been in existence since October 2015.

Additionally, the IG asked that any use of Slack or OAuth 2.0 inside GSA be shut down. The services were not in compliance GSA’s Information Technology Standards Profile, which makes sure IT products and services meet GSA’s security, legal, and accessibility requirements.

OAuth 2.0 is used by many web-based products, including a variety of social media networks, allowing users to sign into other services without entering a password. Earlier this year, researchers at a university in Germany found the protocol can be susceptible to man-in-the-

middle attacks.

Slack has been a darling of the startup world in recent months, allowing enterprises to internally collaborate and move away from internal emails. (Full disclosure: FedScoop is a user.) Slack CEO Stewart Butterfield has touted that GSA, along with NASA and the State Department, are users.

In FOIA requests FedScoop submitted to the agencies reportedly using Slack, only GSA would admit they are in fact using the service. 18F has publicized a lot of the work it has done with Slack, including a bot that onboards new employees.

After the release of the report, Rep. Jason Chaffetz, R-Utah, issued a statement calling the incident “alarming.”

“While we appreciate the efforts to recruit IT talent into the federal government, it appears these ‘experts’ need to learn a thing or two about protecting sensitive information,” the chairman of the House Committee on Oversight and Government Reform said. “The committee intends to further investigate this matter to ensure proper security protocol is followed.”

Read the IG’s management alert on their website.

UPDATE 2:50 p.m.:

18F has written a blog post about the incident, with the office saying it conducted a “full investigation and to our knowledge no sensitive information was shared inappropriately.”

The incident stems from 18F integrating Slack with Google Drive - something Slack users often do - which runs afoul of the way the government wants to store its information.

“Upon discovering that this integration had been accidentally enabled, we immediately removed the Google Drive integration from our Slack, and then we reviewed all Google Drive files shared between Slack and Drive, just to be sure nothing was shared that shouldn’t have been,” the blog post reads. “Our review indicated no personal health information (PHI), personally identifiable information (PII), trade secrets, or intellectual property was shared.”

UPDATE 3:11 p.m.:

Slack has issued a statement:

“The issue reported this morning by the GSA Office of the Inspector General does not represent a data breach of Slack, and customers should continue to feel confident about the privacy and security of the data they entrust to Slack.

Slack leverages the existing Google authentication framework when users integrate Google Drive with Slack. This integration allows users to more easily share documents with other team members in Slack. However, only team members who have access to the underlying document from the permissions that have been set within Google can access these documents from links shared in Slack. Sharing a document into Slack or integrating Google Drive with Slack does not alter any existing Google document or Google Drive access permissions. Those permissions are set and managed within Google. Slack is unable to modify, grant or extend any permissions that exist in Google Drive.”

Contact the reporter on this story via email at [greg.otto@fedscoop.com](mailto:greg.otto@fedscoop.com),

**Are Slack Messages Subject to FOIA Requests?** - Recently, the government, which often lags behind on technology, has begun to catch on. According to Slack CEO Stewart Butterfield, the General Services Administration, NASA, and the State Department are all experimenting with using Slack for internal communication. The move is a potential boon to government productivity (notwithstanding the tide of emoji it will likely bring into the work lives of our nation's public servants). But it could also be a threat to a vital tool for government accountability. Emails sent to and from most government accounts are subject to Freedom of Information Act requests. That means that any person can ask a federal agency to turn over emails sent to or from government email accounts, and the agency must comply- unless protected by one of nine exemptions, which cover classified material, trade secrets, and information that would invade personal privacy if released. (A FOIA request filed by Jason Leopold of Vice News resulted in the release of tens of thousands of emails from Hillary Clinton's time as Secretary of State.) Calls to the FOIA offices of GSA, NASA, and the State Department inquiring about their policies with regards to Slack messages went unreturned. But a document posted last July by the National Archives and Records Administration mentions Slack specifically, and lays out guidelines for archiving electronic communications. To find out how the policies will actually be carried out, one FOIA enthusiast is testing the government's readiness to comply with requests for Slack messages.

Allan Lasser is a developer at MuckRock, a website that helps its users send and monitor FOIA requests. Earlier this month, he sent a request to the Federal Communications Commission, asking the agency to reveal a list of teams that use Slack to communicate at work. If he's successful, Lasser wrote to me in an email, he'll be able to search for the names of the specific Slack channels and groups that the FCC has set up, and can tailor a follow-up FOIA request for the actual messages he wants to see. So why is Lasser going after FCC employees' work-related communications? He was motivated by the same reason that set me out to write this story: to find out if and how Slack and the federal government have thought about how to deal with FOIA requests. The FCC is generally up with modern technology and has been responsive to FOIA requests in the past, Lasser said, so he chose that agency as his proving ground- even though he's not sure if they use Slack. (His request is unlikely to succeed: An FCC spokesperson said the agency does not use the program.)

It's important that we set high expectations and a clear path for requesting Slack data from agencies," Lasser wrote to me. "Slack is becoming a de-facto tool for internal workplace communication, so this is a situation where we can really get ahead of the government in setting clear expectations for record retainment and disclosure." Slack, for its part, is trying to make it easier for organizations to comply with strict document-retention requirements. Usually, the lead user of a group that uses Slack is allowed to export a transcript of all messages sent and received in public channels and groups. But a change the company made in 2014 allows organizations to apply for a special exemption that allows them to export every message sent and received by team members- including one-on-one messages and those sent in private groups. A spokesperson for Slack said the extra export capabilities were designed in part to allow federal agencies to comply with FOIA requests, in addition to helping financial-services companies that have to follow strict message-retention rules, and companies that are subject to discovery in litigation. The spokesperson would not share the number of organizations that have applied for the special export program, saying only that it represented "a small percentage of Slack customers." The federal government has made note of the special allowance. "Slack functionality has the potential to provide improved searchability for FOIA purposes if implemented appropriately within agencies, and with adequate records management control in accordance with NARA's regulations," said a spokesperson for the National Archives.

I could find no record of a completed FOIA request in the U.S. that targeted Slack messages. But in November, an Australian news website called Crikey successfully filed a freedom-of-information request for Slack messages sent between employees in a government agency focused on digital technology. Crikey got back a 39-page transcript of Slack messages exchanged on October 8, 2014, in an apparently public channel.

The Australian government redacted Slack usernames to protect employees' privacy, but the transcript still reveals the day-to-day banalities of office work: comments about the weather, morning commutes, and work-life balance. It even included emoji reactions: A message complaining about a chilly office earned its author one ironic palm tree. Of course, there will always be easy ways to keep communications off the record: picking up the phone, or, better yet, arranging an in-person meeting. But email has for years been the bread and butter of everyday communication, and plays a role in nearly every bureaucrat's daily life. If email fades, and Slack- or some other platform- becomes the new nexus for daily correspondence, then open-government policies must also evolve to keep up.

On Thu, Feb 7, 2019 at 1:25 PM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

See below - this seems to be coming to a head. Can you produce for me a few bullets outlining what the principal concerns are from a FOIA and records perspective regarding Slack? Technical, operational, etc? I then plan to have a direct conversation with David Shive about this to gauge his take and whether he feels a) Slack can / can be made to be compliant with what's required, and b) if not, then get his support to archive the content in slack (assuming you can do that - not sure) and shut that system down. If it gets to that point, then I see a big meeting with TTS, OGC, us, OCIO, and probably Allison as well to figure this out. But first step will be with the CIO

Bob

----- Forwarded message -----

From: **Claudia Nadig - LG** <[claudia.nadig@gsa.gov](mailto:claudia.nadig@gsa.gov)>

Date: Thu, Feb 7, 2019 at 12:59 PM

Subject: Fwd: TTS Request for Partial Release of Five (5) Active FOIA's

To: Bob Stafford - H1AC <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)>, Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)>

Cc: Duane Smith <[duane.smith@gsa.gov](mailto:duane.smith@gsa.gov)>, Seth Greenfeld - LG <[seth.greenfeld@gsa.gov](mailto:seth.greenfeld@gsa.gov)>, John Peters -

LG <[john.h.peters@gsa.gov](mailto:john.h.peters@gsa.gov)>, Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)>

(b) (5)

Claudia Nadig

Deputy Associate General Counsel - LG

Office of General Counsel

General Services Administration

(202) (b) (6)

----- Forwarded message -----

From: **Daniel Nicotera - LG** <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)>

Date: Thu, Feb 7, 2019 at 11:51 AM

Subject: Fwd: TTS Request for Partial Release of Five (5) Active FOIA's

To: Claudia Nadig - LG <[claudia.nadig@gsa.gov](mailto:claudia.nadig@gsa.gov)>

FYI

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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From: **Amber Van Amburg - QOB** <[amber.vanamburg@gsa.gov](mailto:amber.vanamburg@gsa.gov)>  
Date: Thu, Feb 7, 2019 at 10:47 AM  
Subject: Re: TTS Request for Partial Release of Five (5) Active FOIA's  
To: Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)>  
Cc: Marshall Brown - QOB <[marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)>, Duane Fulton - H1FA <[duane.fulton@gsa.gov](mailto:duane.fulton@gsa.gov)>, Anil Cheriyan - Q2 <[anil.cheriyen@gsa.gov](mailto:anil.cheriyen@gsa.gov)>, Travis Lewis - H1F <[travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov)>

Hi Daniel,

I would like to again request a meeting to discuss this approach. We want to comply with the request, but want to make sure we fully understand how to comply. In order for us to produce screenshots, we would have to be inside someone's live account. We truly have never processed a request of this nature and we need additional guidance on how to produce responsive documents.

Here are a few questions that we would like to discuss with you in person:

(b) (5)

(b) (5)

I appreciate your attention to this. We are very eager to finalize these requests. Please let me know of some times that work for you, and I will send out a calendar invite.

thanks  
Amber

On Thu, Feb 7, 2019 at 9:49 AM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

(b) (5)

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Wed, Feb 6, 2019 at 1:20 PM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

(b) (5)

Daniel Nicotera



General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Wed, Feb 6, 2019 at 11:20 AM Marshall Brown - QOB <[marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)> wrote:

Hello Dan,  
Although I can't give you a date, to my knowledge Slack is working on the solution. Can you explain "alumni" Slack channels? Are you suggesting that there is additional information that needs to be sought out - other than the content included in the information already submitted/rejected as complete (contextually complete)?

I wanted to wait until now to respond because I participated in a meeting pertaining Slack this morning (it was not the forum to discuss the FOIA info).

Sincerely,

**Marshall J. Brown**  
Program Analyst  
**GSA Technology Transformation Service**  
Office: 202-219-1458  
Wireless: (b) (6)  
Email: [marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)

On Tue, Feb 5, 2019 at 2:31 PM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

(b) (5)

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Tue, Feb 5, 2019 at 2:29 PM Daniel Nicotera - LG <[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)> wrote:

Hi Marshall,

What date will the Slack materials be ready by?

Daniel Nicotera  
General Services Administration  
General Attorney  
Office of General Counsel  
General Law Division (LG)  
(202) (b) (6)  
[daniel.nicotera@gsa.gov](mailto:daniel.nicotera@gsa.gov)

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On Tue, Feb 5, 2019 at 1:23 PM Marshall Brown - QOB <[marshall.brown@gsa.gov](mailto:marshall.brown@gsa.gov)> wrote:

Hi Daniel,

In response to the following FOIA requests - GSA-2018-001662, GSA-2018-001665, GSA-2018-001702, GSA-2019-000017, and GSA-2019-000193 - it is my understanding that material obtained from the Slack program is not acceptable for release.

While TTS is working to obtain Slack documentation considered as acceptable, do we have an opportunity to release all other responsive materials to the requester?

Please let me know if the Slack documentation is the only holdup.

Thank you,

**Marshall J. Brown**  
Program Analyst

GSA Technology Transformation Service  
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Amber Van Amburg  
Director of Governance and Compliance  
Technology and Transformation Service- TTS  
C: (b) (6)

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U.S. General Services Administration

**Bob Stafford**

Chief Administrative Services Officer

Office of Administrative Services

(b) (6)

**Subject:** Re: Request for additional assistance- email record rules and Liz's IT policy  
**Date:** Thu, 25 Oct 2018 12:21:08 -0400  
**From:** Susan Marshall - H1F <susan.marshall@gsa.gov>  
**To:** Bob Stafford - H1AC <bob.stafford@gsa.gov>  
**Cc:** Travis Lewis - H1F <travis.lewis@gsa.gov>  
**Message-ID:** <CAGjuJh6Jsn=6Gn\_dwMHQ1h-UCFWVMVbVWGSTMX9XLkxCK5KA@mail.gmail.com>  
**MD5:** dd7ef4c55d61f7a0d297f3b1508f95b8  
**Attachments:** emailrecords1025.docx

Hi Bob,

As a follow-up to our discussion I conducted some additional policy research and found two conflicting email management policies on our Directives site. One requires employees to manage emails the same way they manage paper records and another one that allows the CIO to manage the emails by roles and responsibilities so employees are not involved in the process. Attached is more detail about the policies along with some background information about the technology we use to store the information.

Please let me know if you have any questions or need any additional information.

Thanks,

On Wed, Oct 24, 2018 at 9:28 AM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

yeah, that makes sense (b)(5)

(b)(5)

On Wed, Oct 24, 2018 at 9:21 AM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

Thanks, Bob. Travis and I talked and (b)(5)

We'll try to get a

draft to you by the end of the week.

On Wed, Oct 24, 2018 at 7:47 AM Bob Stafford - H <[bob.stafford@gsa.gov](mailto:bob.stafford@gsa.gov)> wrote:

Hi Susan -

we should (b)(5)

(b)(5)

Happy to discuss further

Bob

On Tue, Oct 23, 2018 at 2:20 PM Susan Marshall - H1F <[susan.marshall@gsa.gov](mailto:susan.marshall@gsa.gov)> wrote:

Hi Bob,

We are still revising the current Records Management training and ensuring it discusses our current policies, however before we finalize the draft I wanted to raise some issues with you.

First, below are the current rules for email record retention as outlined in the attached CIO Directive (see number 10). The policy requires employees to retain email records in other electronic recordkeeping systems because email doesn't meet the definition of a NARA recordkeeping system. The policy also addresses the deletion of records but as far as I know, even if I delete an email it is retained in the Google Vault for a period of time.

Travis and I talked to Liz about modifying the current email system so employees could use it system as a true recordkeeping system by applying, like NARA did to their Google email system, the applicable records requirements and business rules. At first she was reluctant but then she said she would work with us. I think we showed you the playbook NARA published on the web which shows how agencies can modify Google to be compliant with NARA electronic records rules.

My question is, *do you and Liz want us to train GSA employees to use the policy below requiring staff to move records to other electronic record systems or should we address the issue before we release the training?*

#### **10. Record keeping of e-mail messages.**

a. **E-mail recordkeeping** is governed by National Archives and Records Administration (NARA) directives. Authorized users are responsible for maintaining their files within assigned storage limitations and NARA records management requirements. **Authorized users are advised to apply the same decision-making process to e-mail for records maintenance and disposition that they apply to other documentary materials, regardless of the media used to create them, and store them accordingly.**

b. **The GSA electronic mail system is not an authorized official records storage system for GSA records management purposes.** Any official records created in the GSA electronic mail system **must be moved to a records management system in accordance with 36 CFR 1236.20(b).** **For instance, e-mail that contains or is deemed a record should be moved to a NARA-approved document management system, a shared network drive, or the user's workstation. If a message is determined to be a record as described in the Agency's Records Disposition Schedule, users are responsible for ensuring those messages are not deleted before the expiration of the NARA-approved retention period.**

c. Non-record material (transitory documents, copies, and drafts) may be retained in an e-mail file indefinitely in accordance with 36 CFR 1236.22. Authorized users are responsible for reviewing their e-mail regularly and for deleting all such material as soon as it has served its purpose.

Thanks,--

**Subject:** FYI > Article. Intel Agencies lack adequate technology for FOIA requests  
**Date:** Tue, 20 Nov 2018 12:19:08 -0500  
**From:** Susan Marshall - H1F <susan.marshall@gsa.gov>  
**To:** Bob Stafford - H1AC <bob.stafford@gsa.gov>, Travis Lewis - H1F <travis.lewis@gsa.gov>  
**Message-ID:** <CAGjuH42NZcLNrvbSj-8dS5HJDj-KA4UF8FAdf+f0tUy4Ocf7g@mail.gmail.com>  
**MD5:** 497cb61a417694365fetc19059f56e8b  
**Attachments:** IClG\_Assess\_IC\_FOIA\_Programs\_INS-2018-01-U.pdf

FYI...Interesting IG review which shows the skyrocketing cost of FOIA compliance.

# Intel Agencies Lack 'Adequate Tech' for FOIA Requests

By [Aaron Boyd](#) | November 19, 2018 01:21 PM ET NextGov

**A recently published inspector general report shows a more coordinated technology approach could help intelligence agencies fulfill Freedom of Information Act inquiries in a timely manner.**

If the intelligence community wants to lessen its information request backlog and avoid lawsuits, the agencies need to make better use of technology and stop applying an “industrial age process ... to a digital age challenge.”

A Sept. 28 report from the intelligence community inspector general released publicly last week found the agencies’ processes for responding to requests under the Freedom of Information Act, or FOIA, is inefficient and will continue to lead to growing backlogs and litigation if not improved. Among the issues is a lack of “adequate technology” to support processing FOIA requests.

Technology is being used to manage FOIA requests across the IC, though not uniformly. The inspector general looked at 10 standard use cases for technology in this area and found only the CIA was using those tools in every instance. Other agencies hit most of the areas of effort, though two, the Defense Intelligence Agency and the Office of the Director of National Intelligence, only showed progress in five and six areas, respectively.

Among the technologies, all six agencies reviewed were using tools to help with search, redaction and interagency referrals and consultations. On the low end, only three agencies- CIA, National Reconnaissance Office and the National Security Agency- were using technology to help with archive and retrieval of prior releases and for converting or otherwise preparing documents for dissemination.

While intelligence agencies are using technology to manage FOIA requests and workloads, they have not always done so in a modern way, according to auditors.

“Within the IC elements, we characterize the execution of FOIA responsibilities as an industrial age process applied to a digital age challenge,” the IG wrote. “The most profound outcome of this mismatch is inefficiency that affects ability to meet statutory deadlines.”

Investigators offered a list of challenges that are a direct result of this “mismatch,” including:

- Duplication of effort as requests move between offices for review.
- Multiple transformations of documents from soft to hard copy and back to soft.
- Reentering redactions of information made on one system into records on another.

“These inefficiencies extend overall processing time and increase opportunities for human error and inconsistencies,” the report states. “Without a strategic approach, the IC will continue to struggle to comply with statutory deadlines and the resulting litigation.”

The problem, according to the IG, is not the technology or will to use it but rather the lack of a coherent strategic approach. For instance, the report notes that some agencies- particularly Defense Intelligence and the National Geospatial-Intelligence Agency- do not have resources set aside to upgrade FOIA systems, instead relying on reprogrammed funds to meet modernization mandates.

**More broadly, the community’s FOIA infrastructure tends to be decentralized, including “key FOIA-related business lines” such as records management, IT management and the offices in charge of releasing the documents to the public. These efforts “reside in different offices, with little sustained focus on integrating their activities to enhance FOIA processing,” the report states.**

**The IG did cite two current lines of effort that could substantially improve the intelligence community’s FOIA process: a set of reference architectures for employing artificial intelligence and machine learning called [Augmenting Intelligence Using Machines](#), or AIM; and the Modernization of Data Management and Infrastructure program. Both efforts are part of the Consolidated Intelligence Guidance plan, which offers a roadmap for IC agencies through 2024.**

Ultimately, **the IG recommended the director of national intelligence** take the lead in revising the 2016 FOIA Improvement Plan **to better sync IT efforts with strategic priorities.** The ODNI concurred with the recommendation.

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**Susan Marshall**  
Director, Office of Accountability and Transparency  
Office of Administrative Services  
(202) (b) (6)